

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

PAINTERS DISTRICT COUNCIL No. 30 )  
HEALTH and WELFARE FUND, and )  
RICHARD G. WILDE, on behalf of )  
themselves and all others similarly situated, )  
 )  
Plaintiffs, )

Civil Action No. 05-360

v. )

ABBOTT LABORATORIES, FOURNIER )  
INDUSTRIE ET SANTE, and )  
LABORATOIRES FOURNIER, S.A., )  
 )  
Defendants. )

---

VISTA HEALTH PLAN, on behalf of itself )  
and all others similarly situated, )  
 )  
Plaintiffs, )

Civil Action No. 05-365

v. )

ABBOTT LABORATORIES, FOURNIER )  
INDUSTRIE ET SANTE, and LABORATOIRES )  
FOURNIER, S.A., )  
 )  
Defendants. )

---

ALLIED SERVICES DIVISION WELFARE )  
FUND, on behalf of itself and all others similarly )  
situated, )  
 )  
Plaintiffs, )

Civil Action No. 05-394

v. )

ABBOTT LABORATORIES, FOURNIER )  
INDUSTRIE ET SANTE, and LABORATOIRES )  
FOURNIER, S.A., )  
 )  
Defendants. )

---

---

PENNSYLVANIA EMPLOYEES BENEFIT )  
TRUST FUND, on behalf of itself and all others )  
Similarly situated, )

Plaintiff, )

v. )

ABBOTT LABORATORIES, )  
FOURNIER INDUSTRIE ET SANTE; )  
and LABORATORIES FOURNIER S.A., )

Defendants. )

Civil Action No. 05-390

---

DIANA KIM, on behalf of herself and others )  
similarly situated, )

Plaintiff, )

v. )

ABBOTT LABORATORIES, FOURNIER )  
INDUSTRIE ET SANTE, and LABORATORIES )  
FOURNIER, S.A. )

Defendants. )

Civil Action No. 05-426

---

PHILADELPHIA FEDERATION OF )  
TEACHERS HEALTH AND WELFARE FUND, )  
on behalf of themselves and all others similarly )  
situated, )

Plaintiff, )

v. )

ABBOTT LABORATORIES, FOURNIER )  
INDUSTRIE ET SANTE, and )  
LABORATOIRES FOURNIER, S.A., )

Defendants. )

Civil Action No. 05-467

---

---

CINDY CRONIN, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES, FOURNIER  
INDUSTRIE ET SANTE, and  
LABORATOIRES FOURNIER, S.A.,

Defendants.

---

Civil Action No. 05-482

---

CHARLES M. SHAIN and SANDRA KRONE  
on behalf of themselves and all other persons  
and entitles similarly situated,

Plaintiffs,

v.

ABBOTT LABORATORIES, FOURNIER  
INDUSTRIE ET SANTE,  
and LABORATORIES FOURNIER, S.A.

Defendants.

---

Civil Action No. 05-475

---

ELAINE M. PULLMAN, NEIL PERLMUTTER,  
HELENA PERLMUTTER, and LULA RAMSEY,  
on behalf of themselves and all others similarly  
situated,

Plaintiff,

v.

ABBOTT LABORATORIES;  
FOURNIER INDUSTRIE ET SANTE;  
and LABORATORIES FOURNIER S.A.,

Defendants.

---

Civil Action No. 05-450

LOCAL 28 SHEET METAL WORKERS, on	)	
behalf of itself and all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 05-516
v.	)	
	)	
ABBOTT LABORATORIES;	)	
FOURNIER INDUSTRIE ET SANTE;	)	
and LABORATORIES FOURNIER S.A.,	)	
	)	
Defendants.	)	
	)	

**MOTION FOR ENTRY OF PRETRIAL ORDER NO. 1 REGARDING  
CONSOLIDATION OF INDIRECT PURCHASER CLASS ACTIONS AND  
COORDINATION OF INDIRECT PURCHASER CLASS ACTIONS WITH  
DIRECT PURCHASER ACTIONS AND DIRECT PURCHASER INDIVIDUAL  
ACTIONS**

Plaintiffs in the above captioned actions ("Plaintiffs") hereby move for entry of proposed Case Management Order No.1, submitted herewith. Plaintiffs, indirect purchasers, have filed actions against Abbott Laboratories, Fournier Industrie et Sante, and Laboratoires Fournier, S.A., (collectively, "Defendants") in the this Court (Civil Action numbers 05-360, 05-365, 05-394, 05-390, 05-426, 05-467, 05-482, 05-475, 05-450, and 05-516, respectively). Plaintiffs seek to recover overcharge damages resulting from Defendants' alleged exclusion of competition from the fenofibrate market in violation of Section 2 of the Sherman Act, 15 U.S.C. § 2.

In order to promote judicial economy and avoid duplication, Plaintiffs move the Court to provide for the consolidation and/or coordination of these actions and any other class actions filed in or transferred into this District on behalf of direct purchasers, and for an organization of plaintiffs' counsel as set forth in Case Management Order No. 1.

Based upon the foregoing, Plaintiffs respectfully request that Case Management Order No. 1 be entered.

Dated: July 26, 2005

Respectfully submitted,



---

Pamela S. Tikellis (#2172)  
Robert J. Kriner, Jr. (#2546)  
A. Zachary Naylor (#4439)  
Robert R. Davis (#4536)  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899  
Telephone: (302) 656-2500  
Facsimile: (302) 656-9053

Patrick E. Cafferty  
Bryan L. Clobes  
Miller Faucher and Cafferty LLP  
One Logan Square  
18<sup>th</sup> & Cherry Streets, Suite 1700  
Philadelphia, PA 19103  
Phone: (215) 864-2800  
Fax: (215) 864-2810

Bernard Persky  
Christopher J. McDonald  
Kellie C. Safar  
Goodkind Labaton Rudoff  
& Sucharow LLP  
100 Park Avenue  
New York, NY 10017  
Phone: (212) 907-0700  
Fax: (212) 818-0477

Thomas M. Sobol  
Hagens Berman Sobol Shapiro LLP  
One Main Street, 4<sup>th</sup> Floor  
Cambridge, MA 02142  
Phone: (617) 482-3700  
Fax: (617) 482-3003  
Jeffrey L. Kodroff  
Theodore M. Lieverman  
Simon B. Paris  
Spector, Roseman & Kodroff, P.C.

1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Phone: (215) 496-0300  
Fax: (215) 496-6611

Allen D. Black  
Jeffrey S. Istvan  
Fine, Kaplan & Black, R.P.C.  
1845 Walnut Street  
Philadelphia, PA 19103  
Phone: (215) 567-6565

Marc H. Edelson  
Edelson & Associates, LLC  
45 W. Court Street  
Doylestown, PA 18901  
Phone: (215) 230-8043  
Fax: (215) 230-8735

L. Kendall Satterfield  
Richard M. Volin  
Karen J. Marcus  
Finkelstein, Thompson & Loughran  
1050 30<sup>th</sup> Street, NW  
Washington, DC 20007  
Phone: (202) 337-8000  
Fax: (202) 337-8090

Lester L. Levy  
Wolf Popper LLP  
845 Third Avenue  
New York, NY 10022  
(212) 759-4600

*Attorneys for Plaintiffs*